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IMPLEMENTATION OF FOREST-RELATED DECISIONS OF THE UNITED NATIONS CONFERENCE ON ENVIRONMENT AND DEVELOPMENT AT THE NATIONAL AND INTERNATIONAL LEVELS, INCLUDING AN EXAMINATION OF SECTORAL AND CROSS-SECTORAL LINKAGES

Programme element I.3: Traditional forest-related knowledge

Report of the Secretary-General

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INTRODUCTION

1. The Conference of the Parties to the Convention on Biological Diversity, in decision II/9(b) on forests and biological diversity, requested the Executive Secretary of the Convention to provide advice and information pertaining to the relationship between indigenous and local communities and forests, as invited by the Inter-Agency Task Force of the Ad Hoc Intergovernmental Panel on Forests.

2. The present document presents such advice and information and reports on the progress of the preparatory work on the third programme element of category I (Implementation of forest-related decisions of the United Nations Conference on Environment and Development at the national and international levels, including an examination of sectoral and cross-sectoral linkages) of the work programme of the Panel. It provides a general overview of the issue, followed by a short update of the current status, and a description of the range of considerations involved in preparing for the substantive discussion of this programme element at the third session of the Panel.

3. The work under programme element I.3 is guided by the decisions taken in April 1995, at the third session of the Commission on Sustainable Development, as further elaborated at the first session of the Panel (11-15 September 1995) and at the second meeting of the Conference of the Parties to the Convention on Biological Diversity (6-17 November 1995).

4. In the terms of reference it determined for the Panel, the Commission defined programme element I.3 as follows: "Consistent with the terms of the Convention on Biological Diversity, encourage countries to consider ways and means for the effective protection and use of traditional forest-related knowledge, innovations and practices of forest-dwellers, indigenous people and other local communities, as well as fair and equitable sharing of benefits arising from such knowledge, innovations and practices".

5. The Panel subsequently emphasized that preparation for this programme element should take full benefit of, and establish links to, the work of the Conference of the Parties to the Convention on Biological Diversity. Consistent with the terms of that Convention it should encourage countries to consider ways and means for the effective protection and use of forest-related knowledge, innovations and practices of forest-dwellers, indigenous people and other local communities, as well as fair and equitable sharing of benefits arising from such knowledge, innovations and practices. At the Panel's first session it was decided to schedule programme element I.3 for substantive discussion at the third session of the Panel, provisionally scheduled for 2-13 September 1996 in Geneva.

6. The present report was prepared by the secretariat to the Convention on Biological Diversity, as lead agency for programme element I.3, in consultation with the secretariat of the Ad Hoc Intergovernmental Panel on Forests in the Division for Sustainable Development of the Department for Policy Coordination and Sustainable Development of the United Nations Secretariat.

I. OVERVIEW

A. Objective

7. The objective of programme element I.3 is to make proposals that will encourage countries - in a manner consistent with the provisions of the Convention on Biological Diversity - to consider ways and means whereby the traditional forest-related knowledge, innovations and practices of forest-dwellers and indigenous and local communities can be effectively protected with a view to the conservation and sustainable use of biological diversity, and the benefits arising from the utilization of such knowledge, innovations and practices can be shared fairly and equitably.

8. Since the first session of the Panel, the second meeting of the Conference of the Parties has taken place in Jakarta (6-17 November 1995), at which the Conference responded to the request of the Panel to take full benefit of, and establish links with, the Conference by taking a number of decisions that bear closely upon programme element I.3 and will need to be taken into account in any work undertaken on this programme element. In its decision II/9 on forests and biological diversity, for example, the Conference requested the Executive Secretary, inter alia, to provide advice and information pertaining to the relationship between indigenous and local communities and forests, as invited by the Inter-Agency Task Force of the Intergovernmental Panel on Forests. Account will also need to be taken of the medium-term programme of work of the Conference of the Parties, which includes such items as "Knowledge, innovations and practices of indigenous and local communities" and "Access to genetic resources" (for consideration at the third meeting of the Conference in November 1996), and "Consideration of matters related to benefit-sharing" (for consideration at the fourth meeting in 1997).

B. Context

9. The Conference also decided to forward a statement to the Panel on its decision II/9, which states, inter alia, that:

> "...
>
> "4. Together, tropical, temperate and boreal forests provide the most diverse sets of habitats for plants, animals and micro-organisms, holding the vast majority of the world's terrestrial species. This diversity is the fruit of evolution, but also reflects the combined influence of the physical environment and people.
>
> "5. The maintenance of forest ecosystems is crucial to the conservation of biological diversity well beyond their boundaries, and for the key role they play in global climate dynamics and bio-geochemical cycles. Forests provide ecological services and, at the same time, livelihoods or jobs for hundreds of millions of people worldwide.
>
> "6. Forest biological diversity results from evolutionary processes over thousands and even millions of years which, in themselves, are driven by

ecological forces such as climate, fire, competition and disturbance. Furthermore, the diversity of forest ecosystems (in both physical and biological features) results in high levels of adaptation, a feature of forest ecosystems which is an integral component of their biological diversity. Within specific forest ecosystems, the maintenance of ecological processes is dependent upon the maintenance of their biological diversity. Loss of biological diversity within individual ecosystems can result in lower resilience.

"...

"8. Forests and forest biological diversity play important economic, social and cultural roles in the lives of many indigenous and local communities. The Convention on Biological Diversity addresses specifically the need to respect, preserve and maintain the knowledge, innovations and practices of indigenous and local communities relevant for the conservation and sustainable use of biological diversity, as well as the need to protect and encourage customary use of biological resources in accordance with traditional cultural practices. It also encourages countries to cooperate in the development and use of indigenous and traditional technologies, and encourages the equitable sharing of the benefits arising from the utilisation of such knowledge, innovations and practices, in pursuance of the objectives of the Convention. Articles 8(j), 10(c) and 18.4 of the Convention provide the general framework for this."

II. CURRENT STATUS

10. The statement from the Conference also declares, inter alia, that:

"1. The Conference of the Parties to the Convention on Biological Diversity welcomes the decision by the Commission on Sustainable Development to establish an open-ended Intergovernmental Panel on Forests to pursue consensus and coordinated proposals for action to support the management, conservation and sustainable development of forests.

"2. Wishing to avoid duplication of efforts and coordinate with other relevant organisations on issues of biological diversity, the Conference of the Parties stands ready to contribute to the fulfilment of the mandate of the Panel.

"3. Keeping in mind the crucial role of forests in maintaining global biological diversity, the Conference of the Parties wishes to establish a dialogue with the Panel on issues related to forests and biological diversity.

"...

"7. Forests are becoming degraded and their biological diversity is being lost. The loss of forest biological diversity is linked to the substantial deforestation, fragmentation and degradation of all types of forests. The reasons for the loss of forest biological diversity are many, both direct

and indirect, and the Conference of the Parties takes note of the terms of reference of the Panel in this regard. (agenda item I.2)."

11. The consecutive statement of the Conference is reproduced in the annex.

12. In response to the invitation of the Panel, the Conference of the Parties has requested its Executive Secretary to provide advice and information pertaining to the relationship between indigenous and local communities and forests. The Conference of the Parties has further requested the Executive Secretary to provide advice and information concerning the contents, work and medium-term programme of work of the Convention relevant to the terms of reference of the Panel. Such advice and information will be provided in time for the Panel's third session.

13. The Panel may also receive substantive inputs from the Convention following the third meeting of the Conference of the Parties on, inter alia, the underlying causes of biological diversity loss in forest ecosystems, components and dynamics of biological diversity, and ways and means for the effective protection and use of traditional forest-related knowledge, innovations and practices of forest-dwellers, indigenous and local communities, as well as fair and equitable sharing of benefits arising from such knowledge, innovation and practices.

14. The wide range of issues embraced by programme element I.3 is demonstrated by the number of decisions taken by the Conference at its second meeting which relate closely to this item. In addition to decision II/9, already referred to, they include:

(a) Decision II/10: "Conservation and sustainable use of marine and coastal biological diversity";

(b) Decision II/11: "Access to genetic resources";

(c) Decision II/12: "Intellectual property rights";

(d) Decision II/15: "FAO global system for the conservation and utilization of plant genetic resources for food and agriculture";

(e) Decision II/16: "Statement to the International Technical Conference on the Conservation and Utilization of plant genetic resources for food and agriculture";

(f) Decision II/8: "Medium-term Programme of Work of the Conference of the Parties for 1996/97".

15. In addition to the work requested by the Conference, a number of other areas of activity are already in hand. For example, the Food and Agriculture Organization of the United Nations (FAO) is revising the International Undertaking on Plant Genetic Resources, as well as developing the concept of "farmers' rights" and developing a global plan of action, the results of which will be reported to the Conference at its third meeting. The activities of the United Nations Educational, Scientific and Cultural Organization (UNESCO) under

the World Heritage Convention are also relevant, particularly in view of the recognition of the interaction between human beings and nature in the formation of "cultural landscapes". Coordination with the World Trade Organization (WTO) in its implementation of the General Agreement on Tariffs and Trade (GATT) (Uruguay Round) will also be critical if efforts to promote global trade are to be supporting of, and not run counter to, the objectives of the Convention.

III. APPROACHES

16. Advances in technological, technical and scientific studies on the nature and substance of indigenous and traditional knowledge and forest management practices underlines the necessity for a broad, coordinated approach. Among the advances already made in this direction is the emergence of scientific evidence to the effect that:

(a) The language, culture and knowledge of indigenous and local communities are disappearing at alarming rates;

(b) Many presumed "natural" ecosystems or "wilderness" areas are in fact "human or cultural landscapes" resulting from millennial interactions with forest-dwellers;

(c) Traditional ecological knowledge is complex, sophisticated, and critically relevant to understanding how to conserve forest ecosystems and to utilize them sustainably;

(d) Indigenous and traditional forest management systems are likely to focus on the conservation of non- or semi-domesticated, non-timber species because these provide the majority of food supplies, medicines, oils, essences, dyes, colours, repellents, insecticides, building materials, clothing, etc.;

(e) Most species associated with forests possess existence values for local communities which are often ignored, obscured or even cancelled out by imposed conservation, development and market schemes;

(f) As indigenous and local communities frequently integrate forest and agricultural management systems, "foresters" and "farmers" can be seen as forming part of the same continuum.

17. The point highlighted in paragraph 16 (f) above can be read to imply that farmers' rights issues are inextricably linked to issues addressed in the Convention on Biological Diversity about the relationship of indigenous and local communities with forests. Recognition of and respect for local values, as well as landscapes modified by human activities, are crucial if the vitality of forest-dwelling societies is to be enhanced rather than undermined. Unfortunately, since the complex links between biological and cultural diversity have not been generally recognized in the past, this has led to the destruction of biological diversity and to the disappearance of languages, cultures and societies.

18. One way to forge effective links with local communities could be through the development of sui generis systems to protect indigenous and local communities and ensure benefit-sharing from the wider use and application of their knowledge about forest use and management - as well as of the biogenetic resources conserved on their lands and territories. Adequate and effective protection and benefit-sharing mechanisms would inevitably require a shift from economic or ecologically determined legal and political frameworks to rights-driven systems. Adopting such a course would, however, enable commitments made by countries under human rights conventions, covenants and agreements to be harmonized at the national level with international commitments on environment, development and trade. It should also enable the provisions of the Convention on Biological Diversity to generate options for stimulating the equitable use and application of the traditional knowledge, innovations and practices of forest-dwellers. Such options could emerge from, inter alia: (a) country studies (article 6); (b) national surveys and inventories (article 7); (c) impact assessment (article 14); (d) exchange of information (article 17); (e) clearing-house mechanism (article 18); and (f) the subsidiary body of scientific, technical and technological advice (article 25).

19. The successful implementation of these mechanisms will depend upon, among other things, effective leadership from among local people, based on criteria for carrying out their own inventories, evaluations, monitoring, impact assessments and development programmes for forest use and conservation, drawing upon their cultural aptitudes and based on their traditional knowledge and local criteria. Support from external sources will require the development of more effective tools for intercultural dialogue, information exchange, technology training, awareness-raising and education, as well as for interdisciplinary collaboration between the human, natural and social sciences.

IV. PREPARATION FOR SUBSTANTIVE DISCUSSION

20. For the Panel at its third session, the Secretary-General will prepare a report presenting some proposals for addressing the issues raised under programme element I.3. To the extent possible and within the available time-frame, the report will take into account emerging developments, with particular reference to any advice and information that results from the exercise requested of the Executive Secretary at the second meeting of the Conference of the Parties. In the meantime, the Panel might wish to begin initial consideration of a few areas that require priority attention, with a view to a substantive discussion at the third session, as set out below. It is emphasized that at this stage these are no more than possible ideas for further consideration in the light of emerging information and advice. The ideas include:

(a) Helping to identify relevant principles, guidelines and mechanisms for countries to develop their own appropriate and effective sui generis system(s), such as traditional resource rights, in order to implement article 8 (j) (requiring that States "respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles", while encouraging the "equitable sharing of the benefits arising from the utilization of such knowledge, innovations and practices");

(b) Providing technical, technological and scientific advice on traditional knowledge, innovations and practices of forest use and conservation, including:

(i) Development of methods for the acquisition, evaluation and analysis of traditional technologies;

(ii) Procedures for the storage, retrieval and dissemination of information;

(iii) Identification of constituents, stakeholders, users and/or beneficiaries;

(iv) Development of tools and mechanisms for protection and benefit-sharing;

(v) Identification and application of methodologies for the appropriate utilization of indigenous and local community ethno-ecological concepts; and establishment of criteria for identification, monitoring and environmental impact assessment, as well as enhanced public education and awareness.

(c) Identifying and stimulating the creation of additional sources of funding for indigenous and local communities to finance their own forest and biodiversity conservation efforts;

(d) Identifying and stimulating the creation of additional sources of funding for studies and wider application of traditional knowledge, innovations and practices, including education and training to enhance application and use of such knowledge, innovations and practices.

V. PROPOSALS FOR ACTION

21. The second session of the Panel might wish to take note of this progress report and provide further guidance in the preparation of the report for substantive discussion at the third session of the Panel.

Annex

STATEMENT ON BIODIVERSITY AND FORESTS FROM THE CONVENTION ON BIOLOGICAL DIVERSITY TO THE AD HOC INTERGOVERNMENTAL PANEL ON FORESTS OF THE COMMISSION ON SUSTAINABLE DEVELOPMENT

1. The Conference of the Parties to the Convention on Biological Diversity welcomes the decision by the Commission on Sustainable Development to establish an open-ended Intergovernmental Panel on Forests to pursue consensus and coordinated proposals for action to support the management, conservation and sustainable development of forests.

2. Wishing to avoid duplication of efforts and coordinate with other relevant organizations on issues of biological diversity, the Conference of the Parties stands ready to contribute to the fulfilment of the mandate of the Panel.

3. Keeping in mind the crucial role of forests in maintaining global biological diversity, the Conference of the Parties wishes to establish a dialogue with the Panel on issues related to forests and biological diversity.

4. Together, tropical, temperate and boreal forests provide the most diverse sets of habitats for plants, animals and micro-organisms, holding the vast majority of the world's terrestrial species. This diversity is the fruit of evolution, but also reflects the combined influence of the physical environment and people.

5. The maintenance of forest ecosystems is crucial to the conservation of biological diversity well beyond their boundaries, and for the key role they play in global climate dynamics and bio-geochemical cycles. Forests provide ecological services and, at the same time, livelihoods or jobs for hundreds of millions of people worldwide.

6. Forest biological diversity results from evolutionary processes over thousands and even millions of years which, in themselves, are driven by ecological forces such as climate, fire, competition and disturbance. Furthermore, the diversity of forest ecosystems (in both physical and biological features) results in high levels of adaptation, a feature of forest ecosystems which is an integral component of their biological diversity. Within specific forest ecosystems, the maintenance of ecological processes is dependent upon the maintenance of their biological diversity. Loss of biological diversity within individual ecosystems can result in lower resilience.

7. Forests are becoming degraded and their biological diversity is being lost. The loss of forest biological diversity is linked to the substantial deforestation, fragmentation and degradation of all types of forests. The reasons for the loss of forest biological diversity are many, both direct and indirect, and the Conference of the Parties takes note of the terms of reference of the Panel in this regard (Panel agenda item I.2).

8. Forests and forest biological diversity play important economic, social and cultural roles in the lives of many indigenous and local communities. The

Convention on Biological Diversity addresses specifically the need to respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities relevant for the conservation and sustainable use of biological diversity, as well as the need to protect and encourage customary use of biological resources in accordance with traditional cultural practices. It also encourages countries to cooperate in the development and use of indigenous and traditional technologies, and encourages the equitable sharing of the benefits arising from the utilization of such knowledge, innovations and practices, in pursuance of the objectives of the Convention. Articles 8 (j), 10 (c) and 18.4 of the Convention provide the general framework for this.

9. In addition, the Convention on Biological Diversity recognizes in article 15 the sovereign rights of States over their genetic resources and also recognizes that the authority to determine access to these resources rests with the national Governments and is subject to national legislation. It also states that each Contracting Party shall endeavour to create conditions to facilitate access to genetic resources for environmentally sound uses by other Contracting Parties and not to impose restrictions that run counter to the objectives of the Convention. Such access, including forest-based genetic resources, shall be subject to prior informed consent by the Party providing such resources and shall be on mutually agreed terms. Measures shall be taken with the aim of sharing in a fair and equitable way the results of research and development and the benefits arising from the commercial and other utilization of genetic resources with the party providing such resources. Such sharing shall be on mutually agreed terms.

10. The Conference of the Parties emphasizes and requests the Panel to acknowledge the need to integrate the conservation and sustainable use of biological diversity into relevant sectoral and cross-sectoral plans, programmes and policies (Convention on Biological Diversity, article 6 (b)). The Conference of the Parties requests the Panel to note that it intends to explore how the conservation and sustainable use of forest biological diversity could be assisted by the establishment of specific environmental goals in the forest and other sectors. The Conference of the Parties also requests the Panel to consider appropriate environmental impact assessment of sectoral activities, plans, programmes and policies with expected negative impact on forest ecosystems (Convention on Biological Diversity, article 14) (Panel agenda item I.2).

11. The Conference of the Parties notes the mandate of the Panel concerning methods for the proper valuing of the multiple benefits derived from forests. In this context, it requests the Panel to consider the economic (monetized and non-monetized) benefits, the environmental services and non-consumptive values provided by forest biological diversity, including the important cultural, religious and recreational values of forests (Panel agenda items III.1 and IV.1).

12. The Conference of the Parties recognizes the need to develop and implement methods for sustainable forest management which combine production goals, socio-economic goals of forest-dependent local communities, and environmental goals, particularly those related to biological diversity. Sustainable forest management should ensure that components of biological diversity are used in a

way and at a rate that does not lead to the long-term decline of biological diversity, thereby maintaining its potential to meet the needs of present and future generations (Convention on Biological Diversity, article 2). Sustainable forest management should take an ecosystem approach and aim at securing forest quality as related to the Convention on Biological Diversity, comprising such elements as forest composition, natural regeneration, patterns of ecosystem variation, ecosystem functions and ecosystem processes over time. Special attention should be paid to components of biological diversity under threat (Panel agenda items III.2 and I.5).